

Liber W. C. of y^e Act this Defend^t saith hee was not obleiged to sett forth the Act att large Itt being a publique Act of w^{ch} the Justices Ex officio are bound to take Notice

4 As to the fourth that the plt ought to have Judgm^t for the Remainder of the deb^t This defend^t sayth that Whether the Account was within the statute or without was matter of ffact and Tryable by a Jury had the plt denyed the Defend^{ts} plea w^{ch} because the p^t did not denye was Justly by the Court presumed to bee true.

5 As to the Defend^{ts} not Admitting for truth the Declaration of the plt nor the debt to bee Just the plea being in the Negative Wherefore the plt haveing brought his Accon, and produceing noe Evidence to prove his Declaracon for that the accompt soe Sworne to by the plt himself is not any Evidence Admittable in any Court of Justice noe man being a Lawfull Witsesse in his owne Cause, nor are Deposicons or Affidavits to bee Admitted as Evidence att Tryall because the Adverse party Cannot Crosse Examine such Deponent for w^{ch} Reason the Defendant prayes that the Judgment given as aforesaid may be Affirmed wth Allowance of his Costs and Charges in this Case sustained.

And hereupon the Record and Processe aforesaid to the Rendring the Judgment thereupon, and the aforesaid Causes and matters by the aforesaid plt for Erro^{rs} assigned being seene, and by the Justices here fully und^rstood and dilligently Examined, And for that Itt appeareth to the same Justices that in the Record and processe aforesaid as alsoe in the Rendring y^e Judgm^t aforesaid Itt is manifestly Erronious, Therefore Itt is Considered that the Judgment aforesaid for the Errors in the Record and processe aforesaid bee Revoaked Adnulled and Altogether held for nothing, and that the said Garret Vanswearingen unto all things w^{ch} by occasion of the Judgment aforesaid hee hath Lost bee Restored, And that the said Garret Vanswearingen Recover against the said Josias Fendall the sume of Eighteen hundred & nine pounds of tobacco for his Costs of suite in this behalfe Expended:

Gerrard Slye	}	Memorandum That att this Court to witt the Tenth day of ffebruary in the ffifth yeare of the Dominion of Charles Absolute Lord and Prop ^{ty} of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c and in the yeare of our Lord 1679, Came Gerrard Slye gentl. by Robert Ridgely his Attorney and Exhitteth to the Court here his Certaine bill ag ^t Nehemiah Blackiston one of the Attorneys of this Court, here in Court in his prop pson p ^s ent of a Plea That hee Rend ^r unto him the sume of ffoure Thousand Two hundred and thirty pounds of Tobacco W ^{ch} to him hee oweth and Unjustly Detaineth.
ag ^t Nehemiah Blackiston		

And Whereupon the said Gerrard Slye by Robert Ridgely his Attorney sayth that Whereas the said Nehemiah Blakiston the